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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,839

01/09/2006

Silvano Bonadei

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EXAMINER

GOODWIN, JEANNE M

ART UNIT

PAPER NUMBER

2833

MAIL DATE

DELIVERY MODE

06/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/563,839

Applicant(s)

BONADEI, SILVANO

Examiner

Jeanne-Marguerite Goodwin

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/09/06 (Preliminary).
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/9/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 1 objected to because of the following informalities: In claim 6, lines 8 and 16:

“said buckle bar” should be --said bar-- according to consistency to “said bar” in line 7.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6-10 rejected under 35 U.S.C. 103(a) as being unpatentable over US 6960016 to Apothéloz et al. [hereinafter Apothéloz] in view of US 2449885 to Domler.

Regarding claim 6: Apothéloz a band-shaped strap, in particular a watch strap, including at a first end a first strand (50) provided with a conventional buckle (60) and at a second end a second strand (claims 3-5), intended to be attached in a removable manner (claims 3-4) to the first strand (50) by engaging in the buckle (60), each strand being formed of a continuous flexible band (col. 4, lines 27-34), the first strand (50) having an end orifice (21) arranged transversely close to a free end of the strand (Figs. 3b, 3c), for receiving a buckle bar (80), wherein the first strand (50) includes a plurality of additional transverse orifices (21) (Figs. 1a 1c, 2b, 3a, 3b) distributed over a certain length of the strand from the end orifice (21) and each associated with an elongated hole (Figs. 1a 1c, 2b, 3a, 3b) passing through the thickness of

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the strand and intersecting with the associated transverse orifice (21), such that the first strand (50) can be shortened by cutting along a transverse section passing through any one of said elongated holes (col. 4, lines 27-34, col. 6, lines 8-15), the transverse orifice (21) associated with the hole (Figs. 1a 1c, 2b, 3a, 3b) becoming a new end orifice (21) for receiving said buckle bar (80) (col. 6, lines 8-15). Apothéloz discloses all the subject matter claimed by applicant with the exception of the limitation stated in claim 6, i.e., the buckle and tongue, wherein the buckle includes two lateral branches each provided with a hole, a removable transverse bar the ends of which are arranged for engaging in the holes of the branches, and a tongue having an eyelet part rotatably engaged on the bar. Domler discloses a buckle (40) and tongue (48), wherein the buckle (40) includes two lateral branches (42, 42') each provided with a hole (Fig. 4), a removable transverse bar (44) the ends of which are arranged for engaging in the holes of the branches, and a tongue (48) having an eyelet part (Fig. 4) rotatably engaged on the bar (col. 3, lines 41-60). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to replace the buckle assembly of Apothéloz, with the buckle/tongue assembly, as taught by Domler, since both are alternative types of detachable fastening means which will provide the same function, if one is replaced with other, adapted to be adjustable fasteners.

Regarding claim 7: Apothéloz discloses the strap (50) according to claim 6, wherein said transverse section associated with each elongated hole is marked by a groove on at least one face of the first strand (Figs. 1a 1c, 2b, 3a, 3b).

Regarding claim 8: Apothéloz discloses the strap (50) according to claim 6, wherein each elongated hole (Figs. 1a 1c, 2b, 3a, 3b) extends from said associated transverse section to beyond the associated transverse orifice (21).

Regarding claim 9: Apothéloz discloses the strap (50) according to claim 6, wherein the strands are made of synthetic material (col. 4, lines 60-66). Apothéloz discloses all the subject matter claimed by applicant with the exception of the limitation stated in claim 9, i.e., the particular synthetic material being polyurethane. With respect to the particular type of synthetic material, absent any criticality, is only considered to be the use of a "preferred" synthetic material out of a plurality of well known synthetic materials commonly used to make strands that a person having ordinary skill in the art at the time the invention was made would have find obvious to provide using routine experimentation based, among other things, on the intended use of applicant's apparatus, i.e., suitability for the intended use of applicant's apparatus. See *In re Leshin*, 125 USPQ 416 (CCPA 1960) where the court stated that a selection of a material on the basis of suitability for the intended use of an apparatus would be entirely obvious.

Regarding claim 10: Apothéloz discloses the strap (50) according to claim 6, wherein the first strand is a moulded (col. 4, lines 45-55).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 disclose related devices. US 4706857 to Aellen et al., US 6328188 to Boznos et al., US 2006/0124674 to Chan disclose adjustable bands.

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5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Examiner Jeanne-Marguerite Goodwin whose telephone number is (571) 272-2104. The examiner can normally be reached on Monday-Friday (9am-6pm), alternate Fridays off. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2861.

A handwritten signature in black ink, appearing to read 'VIT Miska', with a stylized, flowing script.

JMG
June 20, 2007

VIT MISKA
PRIMARY PATENT EXAMINER
TECHNOLOGY CENTER 2800